

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion is respectfully requested.

Claims 1, 3-4, 26, 29-34, 36, and 38-40 are pending, Claims 2, 5-25 and 27-28 having been previously canceled. Claims 1, 26, 29, and 36 are amended and Claims 35, 37, 41 and 42 are canceled by way of the present amendment. No new matter is presented.<sup>1</sup>

In the Office Action, Claims 35, 37, 41, and 42 were objected to under 37 C.F.R. §1.75(c) as being of improper dependent form for failing to further limit the subject matter of a previous claim; Claims 1, 3, 4, 26, and 29-34 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kondo et al. (U.S. Patent No. 5,586,254, hereinafter, “Kondo”) in view of Schwarzbach et al. (U.S. Patent No. 4,418,333, hereinafter, “Schwarzbach”); Claims 35, 41 and 42 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kondo in view of Schwarzbach and in further view of Baldry (U.S. Patent Pub. No. 2004/0098915 A1, hereinafter, “Baldry”); and Claims 36-40 are rejected under 35 U.S.C. §103(a) as being unpatentable over Kondo in view of Baldry.

As an initial matter, Applicants appreciate the courtesy extended by Examiner Norton in holding a personal interview with Applicants’ representatives on August 17, 2010. During the interview, an overview of the invention was presented and the cited art and proposed claim amendments were discussed, particularly with respect to the control means of Independent Claim 1. No agreement was reached during the interview pending the submission of a formal response to the outstanding Office Action.

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<sup>1</sup> Support for the amendments to Claims 1, 26, 29, 35-37 and 41-42 may be found at least at paras. [0126]-[0130] and Figs. 2-3.

The Office Action objects to Claims 35, 37, 41, and 42 under 37 C.F.R. §1.75(c) as being of improper dependent form for failing to further limit the subject matter of a previous claim. Claims 35, 37, 41 and 42 are herein canceled.

The Office Action rejects Claims 1, 3, 4, 26, and 29-34 under 35 U.S.C. §103(a) as unpatentable over Kondo in view of Schwarzbach. Applicants respectfully traverse the rejection of Claim 1, which recites, in part,

wherein, based on said importance of said status information acquired by said acquiring means, said control means applies current to a shape-variable member disposed in said building to transform said shape-variable member from a shape-fixed state to a shape-variable state to physically deform a shape of said shape-variable member or controls power supply to an electric socket disposed in said building to physically change said configuration.

The Office Action acknowledges that Kondo does not disclose physically deforming a shape of a shape-variable member or controlling power supply to an electric socket in a building.<sup>2</sup> Rather, the Office Action relies on Schwarzbach for teaching the “controlling power supply to an electric socket” feature of Claim 1. Schwarzbach describes an appliance control system with a central control unit and slave units, where the control unit and slave units are coupled to a power line in a building and the slave units communicate with the control unit via signals transmitted over the power line. The central control unit and slave units are plugged into outlet sockets, and the slave units respond to commands from the central control unit by controlling lamps or appliances coupled to output lines of the slave units.

The Office Action particularly relies on Fig. 1, element 25 and col. 2, lines 44-65, col. 3, lines 59-68, col. 4, lines 1-8, and col. 11, lines 5-10, for teaching “controlling... power supply to an electric socket...disposed in said building”, as recited in Claim 1.<sup>3</sup> The cited

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<sup>2</sup> See Office Action at page 7, 3<sup>rd</sup> paragraph.  
<sup>3</sup> See Office Action at page 7, 4<sup>th</sup> paragraph.

passages describe that the slave unit 200, which is plugged into outlet socket 25, provides different intensity levels at a lamp by issuing gate trigger impulses at the output lines O0 and O1 of the slave unit 200 at various times throughout the AC power line cycle, but Schwarzbach does not disclose generating such impulses in the power supplied to the outlet socket 25 or controlling the power supply to the outlet socket 25. That is, the system 20 of Schwarzbach describes using the standard AC power supplied at outlet socket 25 to control the power outputted by the slave unit 200 to the lamp, but, as discussed during the Interview, Schwarzbach does not teach controlling the power supplied to the outlet socket 25. Thus, Schwarzbach fails to disclose that *based on said importance of said status information acquired by said acquiring means, said control means applies current to a shape-variable member disposed in said building to transform said shape-variable member from a shape-fixed state to a shape-variable state to physically deform a shape of said shape-variable member or controls power supply to an electric socket disposed in said building to physically change said configuration*, as recited in Claim 1. Therefore, Claim 1 (as well as Claims 3, 4 and 30 which depend from Claim 1) is not obvious over Kondo in view of Schwarzbach and is patentable.

Amended Claim 26 is also not obvious over Kondo in view of Schwarzbach. As discussed above with respect to Claim 1, Kondo and Schwarzbach fail to disclose wherein based on said importance of said status information, said changing the configuration of at least one component of components making up said building applies current to a shape-variable member disposed around a point of entry in said building to transform said member from a shape-fixed state to a shape-variable state and applies pressure to said shape-variable member to physically deform a shape of said shape-variable member or controls power supply to an electric socket disposed in said building to physically change said configuration,

as claimed. Accordingly, amended Claim 26 (as well as Claim 31 which depends from Claim 26) is patentable over Kondo in view of Schwarzbach.

Amended Claim 29 is also not obvious over Kondo in view of Schwarzbach. As discussed above with respect to Claims 1 and 26, Kondo and Schwarzbach fail to disclose wherein based on said importance of said status information acquired by said acquiring means, said control means applies current to a shape-variable member disposed around a point of entry in said building to transform said shape-variable member from a shape-fixed state to a shape-variable state to physically deform a shape of said shape-variable member disposed in said building or controls power supply to an electric socket disposed in said building to physically change said configuration, as claimed. Accordingly, amended Claim 29 (as well as Claims 32-34 which depend from Claim 29) is patentable over Kondo in view of Schwarzbach.

The Office Action rejects Claims 35 ,41 and 42 under 35 U.S.C. §103(a) as unpatentable over Kondo in view of Schwarzbach and in further view of Baldry. Applicants respectfully submit that Claims 35, 41 and 42 have been canceled by the present Amendment.

The Office Action rejects Claims 36-40 under 35 U.S.C. §103(a) as unpatentable over Kondo in view of Baldry. Applicants respectfully traverse the rejection of Claim 36, which recites, in part,

wherein, based on said importance of said status information acquired by said acquiring unit, said control unit applies current to a shape-variable member disposed around a point of entry in said building to transform said shape-variable member from a shape-fixed state to a shape-variable state to physically deform a shape of said shape-variable member disposed in said building or controls power supply to an electric socket disposed in said building to physically change said configuration.

The Office Action acknowledges that Kondo does not disclose that said control means physically deforms a shape of a shape-variable member or controls power supply to an electric socket in a building, but suggests that Baldry, which is directed to a residential

handicap-accessible door that enables automatic locking and unlocking of an entry way, turning on of lights, and opening of a door, remedies the deficiencies of Kondo.<sup>4</sup> Baldry further describes a door sill that moves in an upward and downward direction between a recess below the door in a closed position and the bottom of the door to create a seal with the door, which the Office Action suggests teaches the control means of Claim 36.<sup>5</sup>

Initially, as presented during the Interview, Baldry merely describes moving a door sill between an upward and downward position, but does not disclose that the door sill is shape-variable or that such movement of the door sill *physically deforms* a shape of the door sill, as recited in Claim 36. That is, the door sill may move, but its shape - i.e., three-dimensional volume - remains the same. Additionally, the passages cited in the Office Action state that the door sill is moved upward by a reversible servo motor 75 to engage the lower edge of the door and form a weathertight seal, but Baldry does not disclose or even suggest application of current to the door sill or that application of current to the door sill transforms it from a shape-fixed state to a shape-variable state. Thus, Baldry fails to teach *wherein, based on said importance of said status information acquired by said acquiring unit, said control unit applies current to a shape-variable member disposed around a point of entry in said building to transform said shape-variable member from a shape-fixed state to a shape-variable state to physically deform a shape of said shape-variable member disposed in said building or controls power supply to an electric socket disposed in said building to physically change said configuration*, as claimed. Therefore, amended Claim 36 (as well as Claims 38-40) is not obvious over Kondo in view of Baldry and is patentable.

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<sup>4</sup> See Baldry at Abstract.

<sup>5</sup> See Baldry at para. [0069].

Consequently, in view of the present amendment and in light of the foregoing comments, it is respectfully submitted that the invention defined by Claims 1, 3, 4, 26, and 29-34, 36, and 38-40 is patentably distinguishing over the applied references. The application is therefore believed to be in condition for allowance and an early and favorable reconsideration of the application is therefore requested.

Respectfully submitted,

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